

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

JBRICK, LLC, a Florida Limited Liability)
Company)

Plaintiff/Counterclaim)
Defendant,)

v.)

CHAZAK KINDER INC., a New York)
Corporation, CHAZAK DISTRIBUTION,)
INC., a New York Corporation, TOYS 2)
DISCOVER, INC., a New York)
Corporation, YAACOV SCHWARTZ, an)
individual and MARAV USA, LLC,)
D/B/A BINGO WHOLESALE, a New)
York Limited Liability Company,)

Defendants/Counterclaim)
Plaintiffs.)

Civil Action No. 1:21-cv-02883-HG-CLP

Judge: Honorable Hector Gonzalez

Jury Trial Demanded

NOTICE OF CONFLICT AND UNOPPOSED REQUEST FOR NEW TRIAL DATE

On November 6, 2023 this Court entered and Order electronically (no document attached) stating that the parties are to be prepared to commence jury selection on a tentative trial date of April 8, 2024. The Court further indicated that it would inform the parties by March 8, 2024 if that date became unavailable and that the parties should be prepared to commence trial on a firm date of May 13, 2024 if that is the case.

Also on November 6, 2023 (and continuing on November 9, 2023) lead counsel for Defendants was participating in a pretrial conference in Arizona in the matter of Top Brand LLC et al. v. Cozy Comfort Company LLC et al., Case No. CV-21-00597 pending in the United States District Court for the District of Arizona. At that time, the Arizona Court issued an order setting a three week trial schedule. The Arizona Court's order states: **"IT IS ORDERED** setting a

FIRM JURY TRIAL for **April 9, 2024 at 9:00 a.m.** Trial will be held April 9 – April 12, 2024, April 16 – April 19, 2024, and April 23 – April 26, 2024.”

In view of the overlapping trial schedules for the above captioned matter and the matter pending in Arizona, Counsel for Defendants respectfully requests that this Court reset the trial date for the above captioned matter to the alternative date of May 13, 2024 or later.

Additionally, in the same November 6 Order discussed above this Court set a final, in person pretrial conference for 11:00am on March 14, 2024. Counsel for Defendants is lead counsel in the matter of Grunt Style, LLC v. TWD, LLC, Case No. 18-cv-07695 pending in the District Court for the Northern District of Illinois. That court recently entered a trial schedule stating that the case is set for a 4–day jury trial to begin on March 11, 2024 at 9:00 AM. Thus, the final day of trial is also the date for the in person pretrial conference in this matter.

Defendants respectfully request that this Court reset the final pretrial conference hearing for a date within the time period of February 26-March 8, or alternatively a date within March 18-March 22.

Counsel for Defendants has conferred with counsel for Plaintiff, and counsel for Plaintiff confirmed that Plaintiff is not opposed to the relief requested herein.

Respectfully submitted,

Dated: November 27, 2023

/s/ Matthew De Preter
Matthew De Preter

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Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 27, 2023 a true and correct copy of the foregoing was filed electronically with the Clerk of the Court through the Court's CM/ECF System, which will transmit copies to all attorneys of record.

/s/ Matthew De Preter
One of the Attorneys for Defendants

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